



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,706	06/24/2005	Declan Patrick Kelly	NL021500	2403
24737	7590	01/08/2008		
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER YOUNG, NICOLE M	
			ART UNIT	PAPER NUMBER
			2139	
			MAIL DATE	DELIVERY MODE
			01/08/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

MN

# Office Action Summary

Application No. 10/540,706		Applicant(s) KELLY ET AL.	
Examiner Nicole M. Young		Art Unit 2139	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) ☒ All    b) ☐ Some \*    c) ☐ None of:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

This communication is in response to the amendment of application 10/540,706 filed on October 24, 2005. Claims 1-6 are pending. Claims 7 and 8 are cancelled. Claims 1-6 are amended. Claims The Applicant uses "means for" throughout the claim language. The Examiner considers 112 6<sup>th</sup> paragraph to be invoked.

### ***Claim Objections***

Claim 7 has been cancelled, therefore the objection is withdrawn.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claim 4** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claim 4** recites "switching means...for" and "association means". As 112 6<sup>th</sup> paragraph is considered to be invoked, each of these "means for" statements must have

a specific physical structure in the specification. The Examiner cannot determine this from the specification.

The Examiner can determine physical structure "means for receiving" and "control means" however physical structure for "switching means" and "associated means". This rejection can be overcome by the Applicant pointing out specifically within the Specification where the physical structure is disclosed.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claim 6** is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

**Claim 6** discloses a device (information carrier player) with switching means. The claim does not include enough tangible structure. The Examiner interprets it to be a system of software which is non-statutory under 35 USC § 101.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-6** are rejected under 35 U.S.C. 102(e) as being anticipated by **Gudorf et al. (US 7,140,045)** herein referred to as Gudorf.

**Claim 1** discloses a method of controlling, from an information carrier player (101), a user access to an information carrier (105) and to a server (103), said information carrier (105) being associated with a preset parental control level (DVD\_PCL), said information carrier player (101) being associated with a current parental control level (Current\_PCL\_i) selected from among a set of parental control levels (PCL\_I), said method of controlling comprising (Figure 2 and associated text and Figure 3a and 3b):

- a switching step (104) controlled by a control signal derived from a comparison between said current parental control level (Current\_PCL\_i) said preset parental control level (DVD-PCL), for authorizing or not the access to said information carrier (105) (Figure 3a-c and associated text, column 3 lines 35-46 and column

4 lines 30-54 where the age is checked against a parental control set age for the content on the site),

- an association step (106) for associating a list (List\_i) of server addresses with said parental control levels (PCL\_i) (column 4 lines 55-63 which contains a list of servers accessed and if permission was granted, column 5 lines 46-60 wherein a list of server addresses accessed is maintained, the parent can check the list of age restricted sites the child tried to access, also column 6 lines 52-61 where the verification program stores a list of web sites and parental controls),
- a control step (109) for restricting the user access to the list (List\_i) of server addresses associated with said current parental control level (Current\_PCL\_i) (Figure 3b step 340 and associated text, denies the user further access to the website).

**Claim 2** discloses a method as claimed in claim 1, comprising a first control sub-step (110) for deactivating said control step (109) (Figure 2 and associated text and Figure 3a and 3b).

**Claim 3** discloses method as claimed in claim 1 or 2, comprising a second control sub-step (112) for forbidding the user access to any server address. (Figure 3b step 340 and associated text, denies the user further access to the website).

**Claim 4** discloses an information carrier player (101) intended to read an information carrier (105) which is associated with a preset parental control level (DVD\_PCL), and to control a user access to a server (103), said information carrier player (101) being associated with a current parental control level (Current\_PCL\_i) selected from among a set of parental control levels (PCL-i), said information carrier player (101) comprising (Figure 2 and associated text and Figure 3a and 3b) :

- switching means (104) controlled by a control signal derived from a comparison between said current parental control level (Current\_PCL\_i) and said preset parental control level (DVD\_PCL), for authorizing or not the reading of said information carrier (105) (Figure 3a-c and associated text, column 3 lines 35-46 and column 4 lines 30-54 where the age is checked against a parental control set age for the content on the site),
- association means (106) for associating a list (List\_i) of server addresses with said parental control levels (PCL\_i) (column 4 lines 55-63 which contains a list of servers accessed and if permission was granted, column 5 lines 46-60 wherein a list of server addresses accessed is maintained, the parent can check the list of age restricted sites the child tried to access, also column 6 lines 52-61 where the verification program stores a list of web sites and parental controls),
- control means (109) for restricting the user access to the list (List\_i) of server addresses associated with said current parental control level (Current-PCL\_i) (Figure 3b step 340 and associated text, denies the user further access to the website).

**Claims 5 and 6** discloses a method and device of controlling, from an information carrier player (101), a user access to an information carrier (105) and to a server (103), said information carrier (105) being associated with a preset parental control level (DVD\_PCL), said information carrier player (101) being associated with a current parental control level (Current\_PCL\_i) selected from among a set of parental control levels (PCL\_i), said method of controlling comprising (Figure 2 and associated text and Figure 3a and 3b):

- a first switching step (104) controlled by a first control signal derived from a first comparison between said current parental control level (Current\_PCL\_i) and said preset parental control level (DVD-PCL), for authorizing or not the access to said information carrier (105) (column 4 lines 55-63 which contains a list of servers accessed and if permission was granted, column 5 lines 46-60 wherein a list of server addresses accessed is maintained, the parent can check the list of age restricted sites the child tried to access, also column 6 lines 52-61 where the verification program stores a list of web sites and parental controls),,
- a second switching step (201) controlled by a second control signal (202) derived from a second comparison between said current parental control level (Current\_PCL\_i) and the highest parental control level (PCL\_8) of said set of parental control levels, for authorizing or not the access to said server (103) (column 4 lines 55-63 which contains a list of servers accessed and if permission was granted, column 5 lines 46-60 wherein a list of server addresses accessed is maintained, the parent can check the list of age restricted sites the child tried to



access, also column 6 lines 52-61 where the verification program stores a list of web sites and parental controls).

### ***Response to Arguments***

Applicant's arguments filed October 24, 2007 have been fully considered but they are not persuasive.

The Applicant argues Gudorf does not teach "controlling, from an information carrier player, user access to information on an information carrier loaded in the information carrier player". The Examiner respectfully disagrees. Gudorf Figure 2 and associated text and Figure 3a and 3b are stored on a hard drive of a personal computer and executed by a processor. The personal computer is interpreted by the Examiner to be the information carrier player, the user access information is shown stored in a program in Figure 2, and this program is loaded onto the information carrier player.

The Applicant argues Gudorf does not teach "said information carrier being associated with a present parental control level". The Examiner respectfully disagrees. Gudorf Figure 2 shows a verification program which is stored within the personal computer. The verification program contains a Parent Confirmation module and an Age Cutoff. This is also shown in column 4 lines 30-54 where the age is checked against a parental control set age for the content on the site and in column 6 lines 52-61 where the verification program stores a list of web sites and parental controls.

The Applicant argues that in the current application the "present parental control level" relates only to the information carrier, while the "current parent control level" relates only to the information carrier player. The Examiner interprets in the broadest reasonable interpretation that the information carrier and the information carrier player are the same personal computer within Gudorf. The Examiner does not interpret anything within the claim language that distinguishes the present parental control level to related only to the information carrier or the current parent control level to relate only to the information carrier player.

The Applicant argues that Gudorf does not teach "receiving the present parental control level associated with said information carrier", "comparing said current parental control level and said present parental control level", and "authorizing or not authorizing access to the information on said information carrier in dependence on said comparing step". The Examiner respectfully disagrees. Gudorf Figure 3a-c and associated text, column 3 lines 35-46, and column 4 lines 30-54 where the age is checked against a parental control set age for the content on the site teaches these limitations.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicole M. Young whose telephone number is 571-270-1382. The examiner can normally be reached on Monday through Friday, alt Fri off, 8:00am-5:30pm.

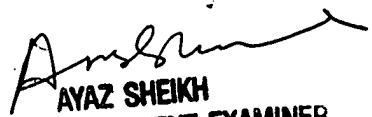
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:  
10/540,706  
Art Unit: 2139

Page 11

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NMY  
1/6/2008

  
**AYAZ SHEIKH**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**